

IN THE UNITED STATES DISTRICT COURT
FOR THE NEW HAMPSHIRE

IN RE: HOMELAND SECURITY
INVESTIGATIONS
SUMMONS NO. ICE-HSI-MF-2021-00138

Case No. 1:21-mc-12-AJ

Filed Under Seal

APPLICATION FOR ORDER COMMANDING OATH HOLDINGS, INC. D/B/A YAHOO
NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF SUMMONS

The United States requests that the Court order OATH HOLDINGS, INC. D/B/A YAHOO not to notify any person (including the subscribers or customers of the account(s) listed in the summons) of the existence of the attached summons until 180 days from the date of the attached Order.

OATH HOLDINGS, INC. D/B/A YAHOO is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached summons, which requires OATH HOLDINGS, INC. D/B/A YAHOO to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, summons, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, summons, or court order.” *Id.*

In this case, such an order would be appropriate because the attached summons relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached summons will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to

flee from prosecution, to destroy or tamper with potential evidence or change patterns of behavior, or to intimidate potential witnesses. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the summons, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing OATH HOLDINGS, INC. D/B/A YAHOO not to disclose the existence or content of the attached summons for 180 days from the date of the attached Order, except that OATH HOLDINGS, INC. D/B/A YAHOO may disclose the attached summons to an attorney for OATH HOLDINGS, INC. D/B/A YAHOO for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed on February 5, 2021.

/s/ Georgiana L. MacDonald
Georgiana L. MacDonald
Assistant United States Attorney
53 Pleasant Street
4th floor
Concord, NH 03301

Homeland Security Investigations
275 Chestnut Street
Manchester, NH 03101



**U.S. Immigration
and Customs
Enforcement**

Cover Sheet

Date 2/3/2021

Electronic Service Methods:

Fax: 408-349-7941

E-Mail: (Not available)

Phone: 603-629-2710

Number of pages including cover: 4

To: Oath Holdings, Inc.
Subpoena Compliance
Custodian of Records
701 First Avenue
Sunnyvale, CA 94089

Contact Phone: 408-349-3687

From: Shawn M. Serra

☐ Urgent ☒ Action ☐ Concurrence ☐ FYI

Comments:

Attached is subpoena/summons #: ICE-HSI-MF-2021-00138.

Please respond by February 17, 2021

1. To (Name, Address, City, State, Zip Code)

Oath Holdings, Inc.
 Subpoena Compliance
 Custodian of Records
 701 First Avenue
 Sunnyvale, CA 94089

DEPARTMENT OF HOMELAND SECURITY

SUMMONS

to Appear and/or Produce Records
 19 U.S.C. § 1509

Summons Number ICE-HSI-MF-2021-00138

By the service of this summons upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP) Officer or U.S. Immigration and Customs Enforcement (ICE) Special Agent named in Block 2 at the place, date and time indicated to testify and give information.
- (B) ☒ **PRODUCE** the records (including statements, declarations, and other documents) indicated in Block 3 before the CBP Officer or ICE Special Agent named in Block 2 at the place, date and time indicated.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry to ascertain the correctness of entries, to determine the liability for duties, taxes, fines, penalties, or forfeitures, and/or to ensure compliance with the laws or regulations administered by CBP and ICE.

Failure to comply with this summons will render you liable to proceedings in a U.S. District Court to enforce compliance with this summons as well as other sanctions.

2. (A) CBP Officer or ICE Special Agent before whom you are required to appear

Name Shawn M. Serra
 Title Special Agent
 Address Homeland Security Investigations
 275 Chestnut Street
 Manchester, NH 03101
 Telephone Number 603-629-2710 Fax: 603-626-1792

(B) Date

February 17, 2021

(C) Time

9:00 AM

3. Records required to be produced for inspection

Please see attached continuation page.

You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.

Issued under authority of section 509, Tariff Act of 1930, as amended by Pub. L. No. 95-410 (19 U.S.C. § 1509); 44 F.R. 2217; Homeland Security Act of 2002

4. Name of person authorized to serve this summons or any other CBP Officer or ICE Special Agent

Shawn M. Serra

5. Date of issue February 3, 2021

By WSW
 (Signature)



If you have any questions regarding this summons, contact the CBP Officer or ICE Special Agent identified in Block 2.

6. Name, title, address and telephone number of person issuing this summons

Name William S. Walker
 Title Acting Special Agent in Charge
 Address Homeland Security Investigations
 10 Causeway
 Boston, MA 02222
 Telephone 617-565-7401

CERTIFICATE OF SERVICE AND ACKNOWLEDGMENT OF RECEIPT**A. CERTIFICATE OF SERVICE OF SUMMONS**

I certify that I served the summons on the front of this form as follows:

<input type="checkbox"/> I delivered a copy of the summons to the person to whom it was directed, as follows:	Address or Location	Date
		Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
<input type="checkbox"/> (For corporations, partnerships, and unincorporated associations which may be sued under a common name) I delivered a copy of the summons to an officer, managing or general agent, or agent authorized to accept service of process as follows:	Address or Location	Date
		Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
	Name of person to whom the summons was delivered	
Signature		
Title		Date

B. ACKNOWLEDGMENT OF RECEIPT

I acknowledge receipt of a copy of the summons on the front of this form.

Signature			
Title	Date	Time	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.

1. To (Name, Address, City, State, Zip Code)

Oath Holdings, Inc.
Subpoena Compliance
Custodian of Records
701 First Avenue
Sunnyvale, CA 94089

DEPARTMENT OF HOMELAND SECURITY

SUMMONS (Continuation)

to Appear and/or Produce Records
19 U.S.C. § 1509

Summons Number ICE-HSI-MF-2021-00138

3. Records required to be produced for inspection (continued)

The following applies if checked:



Child Exploitation: This subpoena is in regard to an investigation involving Child Exploitation and/or transmission of Child Pornography via the internet. Please do not disclose/notify the user of the issuance of this subpoena. Disclosure to the user could impede an investigation or obstruct justice.

Pursuant to an investigation being conducted by the Department of Homeland Security, Homeland Security Investigations, as authorized by Title 18, United States Code, Section 2703(c)(2), please disclose the following information:

Subscriber Information: Please provide the name, address, connection records (including IP addresses for all sessions, including the IP address used to set up the account) or records of session times, duration, length of service (including start date) and types of service utilized; telephone or instrument number or other subscriber number or identity, including any temporary assigned network address; means of source of payment for such service (including credit card and/or bank account number) for the following account:

uonthesidenh@yahoo.com

Please note: This is a child exploitation investigation. You are requested not to disclose the existence of this request to the subscriber or any other person, other than as necessary to comply with this request.

Method of Response:

Preferred:

Return the requested records in an accessible data file format such as ".XLS", ".CSV", ".TXT", or ".PDF". The data file(s) should be delivered via e-mail to Special Agent Shawn M. Serra at Shawn.M.Serra@ice.dhs.gov.

NOTE: The ICE e-mail system limits incoming messages containing file attachments to 10 MB. For larger files send the summons response in multiple e-mail messages.

Alternates:

The records should be delivered to Special Agent Shawn M. Serra at U.S. Immigration and Customs Enforcement, Homeland Security Investigations, 275 Chestnut Street, Manchester, NH 03101.

If you have questions, please contact Special Agent Shawn M. Serra at 603-629-2710.

You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.

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